

**STATEMENT FOR THE RECORD
OF
VETERANWARRIORS
FOR THE
HOUSE COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON DISABILITY ASSISTANCE AND MEMORIAL AFFAIRS
CONCERNING
ADJUDICATING VA'S MOST COMPLEX DISABILITY CLAIMS: ENSURING
QUALITY, ACCURACY AND CONSISTENCY ON COMPLICATED ISSUES**

DECEMBER 4, 2013

Chairman Runyan, Ranking Member Titus, and members of this Panel, Veteran Warriors expresses their gratitude for the opportunity to offer our views on the (Department of Veterans Affairs) - VA's "Most Complex Disability Claims" issues.

The majority of this esteemed panel has never heard of VeteranWarriors. Please allow me to introduce you to our group. We are a very small group of Veterans and supporters, who have decided to be the "David" in taking on the "Goliath" of the Department of Veterans Affairs. Our sole mission is to convince every necessary entity that the VA is broken and in need of a full overhaul, such as the Internal Revenue Service was subjected to in the late 1990's, and assist us in making that reform a reality. We are internally funded and ask nothing for our efforts. However, our efforts to see the VA reformed will continue to press forward, until it is a reality.

Our team has spent five (5) years reviewing every audit, investigation, Congressional testimony and media report, regarding the actions of the VA. We have taken thousands of statements from veterans and their families regarding everything from egregious delays or outright denials of rightfully earned benefits in claims processing to malpractice within the VA Health system. The culminations of that research lead us to create completely new working models of the major sectors of the VA. For obvious reasons, the concentration initially was on Veterans Benefits Administration side.

We were invited here to today to provide our opinion on what could be the best method to assure that the VA processes complex claims, in a timely, accurately and in a

consistent manner across the nation. To be brutally honest with this panel, there is currently no process that is in place, which will comply with those parameters.

To illustrate the dysfunction within the category of complicated claims, we provide an analogy;

You have a five year old desktop computer. It has a monitor, keyboard, mouse and a hard drive. For the last year, your computer will only come on about 50% of the time. Your monitor works as does the keyboard and mouse – just the hard drive won't boot up. You have had the "Geek Squad" look at, you have taken it apart, you have sent it to the manufacturer; every single person has told you that it is broken beyond repair and to buy a new computer. Instead of buying a new one, you buy a new monitor, you buy a new keyboard then you buy a new mouse. But your computer STILL only comes on 50% of the time.

When is Congress going to buy a new computer? When are we going to force an overhaul of the VA?

This analogy illustrates what is happening between Congress and the VA. For over thirty (30) years, the Government Accountability Office (GAO), the VA – Office of Inspector General (VA-OIG), the American Federation of Government Employees (AFGE) as well as countless Veterans Service Organizations (VSO) and veterans have testified, complained, reported to the media and asked for Congressional intervention regarding the absolute abysmal dysfunction that is the manner of doing business for the VA.

*To be clear, the term "dysfunction" is defined by Encarta Dictionary (and VeteranWarriors regarding the VA), to be, **"An irregularity in the functioning of any part or system, (and) a characteristic of dysfunction of petty officialdom"**.*

Every veteran in this nation owes gratitude to the Veterans Service Organizations (VSO), for their ongoing efforts to assist with their claims and right the wrongs regarding VA decisions. As well as their continued presence here on Capitol Hill, representing them, in what the VSO's believe to be the best interests of the veterans.

However, VeteranWarriors is not officially a VSO. We never intend to be one. We will always do everything in our power to help a veteran or a family who reaches out to us.

Our goal is not to placate or appease anyone, be it Congress, the officials of the VA or a VSO. We offer no apologies for our views on the actions of the VA. In other words, we are not here to lie to Congress and tell you everything is looking up and the VA is getting better at doing their ONLY mission. Unlike the VSO's who have testified before us, we offer no kudos to any sector of the VA. In fact, we are here to tell you the plain truth – that the VA is irrevocably broken and the only way that all of the issues which Congress has repeatedly attempted to address, will be fixed, is by a forced overhaul based on VeteranWarriors new models.

To address the purpose of this hearing, VeteranWarriors has reviewed current staffing, equipment, and financial resources that the VA is allocating to claims processing. The VA provides no specific information as to the resources dedicated to handling complex claims. We could find no official definition of complex claims or any numerical breakout regarding the handling of these claims. What we have found is that everyone from Undersecretary Hickey to the VSO's has placed the blame for a large part of the backlog on the complex claims. Our lay understanding of a "complex claim is a claim which has more than 2 or 3 issues claimed by the veteran.

For clarity, the lion's shares of veterans coming into the system over the last 12 years have "complex" claims. When you have a demographic of veterans whose last decade has been spent with multiple deployments to various hostile environments, better educated veterans who know what their rights are and an age of technology whereby the veteran can readily obtain information, you have a recipe for what the VA considers to be disaster.

The VA maintains that it is making headway in reducing the backlog of claims in its inventory. As recently as November 7, 2013, Secretary Shinseki took credit for reducing the backlog by over one-third since March 2013. What is being kept quiet, what is the dirty secret is that a disproportionate number of the complex claims are still awaiting adjudication or have been "closed" awarding the veteran a nominal rating on one or more of the minor issues. The primary issues the veterans are claiming are being either "ZERO rated" or denied outright. The claims which the VA suggests are closed are the "simple" claims, ones with one or two issues. What the VA also does not share is how certain claims are classified thus significantly affecting the VA's reported numbers, to the VA's benefit.

This panel must understand an important delineator when reading reports of the VA's successes. The VA considers ANY type of claim that they have adjudicated and replied to the veteran as "CLOSED". The important fact to remember is that 75% of the claims that are making their way to the Board of Veterans Affairs Appeals court are remanded for correction. These claims are only a small portion of the totality of claims decided by the VA. Too many veterans give up and refuse to keep fighting. So when the VA tells you they "closed a claim", it is imperative that the one be highly suspicious of the source of the data for the statement.

One type of "claim" that the VA has used to reduce the backlog is "Dependent Status Update" claims. Getting married, got divorced, had a child, child ages out but then goes to college – these are all factors that are adjudicated under the "CLAIMS" category. Of course it would be really easy to profess success if you just got these claims adjudicated. The VA did this with one of our group – After a year of sitting without action, the VA finally adjudicated his claim for getting married. It took almost exactly one year after he filed the "FULLY DEVELOPED CLAIM" to add a dependent.

Meanwhile, a veteran whose "complex" claim – filed while still on active duty and in compliance under the "Pre-Discharge" (formerly known as the Benefits Delivery at Discharge program), took four (4) years to adjudicate. That particular program was instituted jointly by the VA and the Department of Defense (DoD) to "...minimize the waiting time for veterans to receive benefits and services..." because the VA professes when filed before the member leaves active duty, the claimed issues are considered automatically "service-connected". The veteran was forced to file four (4) Notice of Disagreements, a Formal Appeal (which the VA re-characterized as a Notice of Disagreement) and a second Appeal, which resulted in a Decision Review hearing. At which time, the officer awarded the veteran all the claimed issues retroactive to the end of active duty. However, the veteran still has not received Special Monthly Compensation even though all the claimed issues had transpired while serving as a convoy driver in Iraq for a year.

Another Iraq combat veteran, has been denied for all "automatically service- connected issues", from day one. He filed his claim upon discharge from the military in 2009 and to date, has been denied for every issue claimed, in spite of mountains of medical evidence which include the VA's own records. He is now being forced to file a Formal Appeal in the hope of every seeing any of his earned benefits.

We could spend the rest of this panel's time on the Hill this year, extrapolating on the thousands of cases which have come to our attention. We will not waste your valuable time by doing so.

The issue of "complex claims" is the new reality for the VA. However, the VA refuses to adjust fire and accept it, manage it correctly, adjudicate them correctly and efficiently or even entertain the idea that their way of doing business with their sole customer does not work. From the Secretary down to the lowliest janitor, no one is being held accountable, no one is accepting responsibility, no one is forcing the rank and file to abide by the laws, rules and policies that exist in managing these complex claims. Instead, the VA finds ways to manipulate the numbers, sugar-coat the malfeasance and explain away the \$100 billion dollars per year it spends on administration of its business.

Congress has never denied the VA any money for doing their job. But like a spoiled child, even getting what they want for every "pilot program", new "initiative", increased manpower or bright and shiny new technology, they still want more without giving up anything. The VA does not have any "transparency" whatsoever. The veteran is forbidden from speaking with claims adjusters. The VA does not provide "screen shots" of their work product. Rather, they employ people whose sole purpose is to create reports that make the VA look good to Congress and the media.

VeteranWarriors has developed a viciously more efficient, streamlined model of processing these "complex" claims, utilizing the resources the VA already has on board. No new money, resources, manpower or laws are needed to make proper adjudication of all claims, especially the complex ones, a reality.

OUR proposed reality is one which provides for every veteran of every era, most especially those with complex claims. It is the right of every veterans claim to receive efficient, accurate and professionally managed benefits and services. This reality needs the support of every Congressional leader across the aisle today. So are we going to continue to ignore every expert that tells us the computer is broken and continue to throw good money after bad, or are we ready to buy a new computer...Are you ready to overhaul the VA?

Thank you again Mr. Chairman, Ranking Member Titus and esteemed panel. We are truly grateful for the opportunity to present our opinions to you today. VeteranWarriors is humbled by the Congressional commitment and dedication to our veterans. VeteranWarriors would be honored to answer any questions by the panel for the record.